IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA CHARLESTON DIVISION

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION Master File No. 2:12-MD-02327 MDL No. 2327

THIS DOCUMENT RELATES TO ALL CASES

JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

PLAINTIFFS' MOTION FOR LEAVE TO FILE SUR-REPLY TO JOHNSON & JOHNSON'S AND ETHICON'S REPLY MEMORANDUM IN SUPPORT OF MOTION TO REVISE CASE MANAGEMENT PROCEDURES AND FOR DISCOVERY RELATED TO PLAINTIFF SOLICITATION

Plaintiffs seek leave to file a brief sur-reply of three pages to correct two inaccurate factual statements that appear in defendants' reply brief. These are the claims that (a) plaintiffs have avoided cooperation in defendants' investigation and (b) a plaintiff who recently dismissed her lawsuit may not have been implanted with one of defendants' products. Both statements are wrong and the facts and exhibits demonstrating their inaccuracy have not yet been presented to the Court. Plaintiffs did not (and could not reasonably) have anticipated defendants' arguments, thus this is plaintiffs' first opportunity to present these facts and documents. Plaintiffs' sur-reply is attached hereto as Exhibit A.

Dated: February 3, 2015.

Respectfully submitted,

/s/Bryan F. Aylstock

Bryan F. Aylstock, Esq.
Renee Baggett, Esq.
Aylstock, Witkin, Kreis and Overholtz, PLC
17 East Main Street, Suite 200
Pensacola, Florida 32563
(850) 202-1010
(850) 916-7449 (fax)

E-mail: <u>baylstock@awkolaw.com</u>